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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|---------------------------|---|
| Proceeding | 92053501 |
| Party | Plaintiff Christian M. Ziebarth |
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| Submission | Stipulated/Consent Motion to Extend |
| Filer's Name | Gregory B. Phillips |
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| Signature | /gregory phillips/ |
| Date | 09/30/2011 |
| Attachments | Stipulated Motion - CZIEB 001CN.pdf (3 pages)(81962 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Christian M. Ziebarth,
an individual residing in California,
Petitioner,

v.

Del Taco, LLC
a California limited liability company,
Respondent.

Cancellation No. 92053501

I hereby certify that this correspondence is being transmitted by electronic mail to the Trademark Trial and Appeal Board through its web site located at <http://estta.uspto.gov> on

September 30, 2011



Gregory B. Phillips

**STIPULATED MOTION TO EXTEND TIME FOR PETITIONER TO RESPOND TO
RESPONDENT'S MOTION TO COMPEL**

Pursuant to 37 C.F.R. § 2.127(a) and T.B.M.P. § 502.02, Petitioner Christian M. Ziebarth and Respondent, Del Taco, LLC hereby stipulate that the Trademark Trial and Appeal Board ("Board") issue an order extending the deadline for Petitioner to respond to Respondent's Motion to Compel by a period of thirty (30) days, for the purpose of facilitating the parties' continued settlement discussions. The Motion to Compel was served on Petitioner via mail on September 22, 2011. Accordingly, the deadline for Petitioner to submit a response is currently set for October 12, 2011. The stipulated 30-day extension will move Petitioner's response deadline to November 11, 2011. Respondent stipulated to this extension in a telephone conversation on September 23, 2011, and confirmation via email on the same day.¹

¹ Also in the telephone conference held on September 23, 2011, Petitioner consented to a 30-day extension for Respondent to respond to Petitioner's First Set of Interrogatories, First Set of Requests for Admissions, and Second Set of Requests for Production of Documents and Things, which were served on Respondent via mail on August 19, 2011. Such consented extension was contingent on the Respondent's consent to extend Petitioner's time to respond to the subject Motion to Compel. The discovery response deadline was previously set for September 23, 2011. The 30-day extension thus moves Respondent's response deadline to October 23, 2011.

This extension request is supported by good cause and is not for the purpose of delay.

Respectfully submitted,

Dated: September 30, 2011

By: 

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Attorneys for Petitioner, Christian M. Ziebarth

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **STIPULATED MOTION TO EXTEND TIME FOR PETITIONER TO RESPOND TO RESPONDENT'S MOTION TO COMPEL** upon Respondent's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid on September 30, 2011, addressed as follows:

April L. Besl, Esq.
DINSMORE & SHOHL LLP
255 East Fifth Street
Cincinnati, OH 45202



Betty De La Torre

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